

REMARKS

Claims 1-18, 20, 21, 23 and 24 are pending in this application.

Claims 1, 3, 5, 9, 11, 13, 20, 21 and 24 have been amended. 2, 4, 10, 12 and 23 have been cancelled without disclaiming their subject matter. Since the amendment requires only a cursory review by the examiner, places the case in condition for allowance, and/or is made as suggested by the examiner, entry of the amendment is respectfully requested. No new matter has been added.

Claims 1 and 9

With respect to claims 4 and 12, the examiner stated in the final Office action, claims 4 and 12 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 1 has been amended to incorporate the feature recited in claims 2 and 4. Claim 9 has been amended to incorporate the feature recited as claims 10 and 12. That is, by this amendment, claims 4 and 12 are presented in independent claims 1 and 9, respectively.

Therefore, allowance of claims 1 and 9 and their dependent claims 3 and 11 are respectfully requested.

Claims 5 and 13

In the final Office action (Paper No. 6), claims 5 and 12 were objected to as being dependent upon a rejected base claim. With respect to the reason for the indication of allowable

subject matter, the examiner stated in the Office action (Paper No. 3) that “[c]laims 5-7 and 13-19 have been indicated as containing allowable subject matter because the prior art of record does not disclose or teach in combination the entire combination of an apparatus of discharging a sheet including a tray, a holder and moving means for horizontally moving the holder, a rack, and a driving means, and a lever of pair of levers having a first end and a second end in which the first end is connected to the holder and the second end is connected to the rack such that the lever is in pivoting association with the movement of the rack.

In accordance with the reason for the indication of allowable subject matter regarding claims 5 and 13, claims 5 and 13 have been written in independent form incorporating the features recited in claims 1 and 2, and claims 9 and 10, respectively.

Therefore, claims 5 and 13 as amended and their dependent claims 6-8 and 14-18 are allowable.

Claim 20

Claim 20 has been amended to incorporate the feature recited in claim 23.

In the final Office action (Paper No. 6), the examiner stated that claim 23 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims.

Since claim 20 has been amended as suggested by the examiner, claim 20 as amended and its dependent claims 21 and 24 should be allowed.

Claim 21

Claim 21 has been amended to correct a grammatical error. (The verb “are” has been inserted between “holder” and “within”.)

Claim 21 is patentable for the following additional reason.

The examiner rejected claim 21 based on Bortolotti et al. as applied to claim 20, and further in view of Yoshihara by arguing that Yoshihara teaches an apparatus with a discharge tray that can be covered with a cover as shown in Fig. 5A.

Claim 21 which depends from claim 20 recites the feature of the holders which are within the ink-jet printer and are not exposed to the outside of the ink-jet printer when the ink-jet printer is not operated. On the other hand, Yoshihara merely teaches the additional cover covering only the discharge tray. The references do not teach how the additional cover is attached to the Bortocelli invention where the holders of Bortocelli are moving. Even if the additional cover can be attached to Bortocelli invention, the teachings of Bortolotti combined with Yoshihara show at most that the holders which are outside of the ink-jet printer can be covered by the additional cover. It should be noted that claim 21 does not claim the additional cover. The examiner’s attention is invited to consider that the invention shows the omission of an element and retention of its function, it is an indicia of unobviousness. *In re Edge*, 359 F.2d 896, 149 USPQ 556 (CCPA 1966). Since claim 20 claims the structure having the features which could be retained without a cover, this feature is clearly an indicia of unobviousness.

Therefore, claim 21 is patentable.

In view of the above, all claims are deemed to be allowable and this application is

believed to be in condition to be passed to issue. Reconsideration of the rejections and objections is requested. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

A fee of \$172.00 is incurred by the addition of two (2) independent claims in excess of three(3) independent claims. Applicant's check drawn to the order of Commissioner accompanies this Response. Should the check become lost, should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Should a Petition for extension of time be required with the filing of this Amendment, the Commissioner is kindly requested to treat this paragraph as such a request and is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of the incurred fee if a check of the requisite amount is not enclosed.

Respectfully submitted,



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